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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

WILLIAM LEONARD PICKARD,)	C 06-0185 CRB
)	
Plaintiff,)	DEFENDANT'S REPLY BRIEF IN
)	SUPPORT OF MOTION FOR
v.)	SUMMARY JUDGMENT
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

INTRODUCTION

Defendant's motion for summary judgment should be granted. First, plaintiff failed to file a timely opposition in contravention of this Court's Order dated July 12, 2007 to file any opposition by July 27, 2007. Second, to date, despite numerous filings, Plaintiff still has (1) failed to provide either proof of death or an authorization from Mr. Skinner (to him personally)¹, (2) failed to provide any admissible evidence establishing that DEA officially acknowledged Skinner as a confidential source (3) failed to provide any admissible evidence of DEA misconduct.

¹On May 29, 2007, Plaintiff filed a "Notice of Notarized Authorization to DOJ From Gordon Todd Skinner To Release Records to a Third Party". The alleged notarized form does not authorize release of information to Plaintiff. Even if legitimate, the form only authorizes release of information to Mr. Skinner's attorney. Such information would be further protected by the attorney-client privilege. On June 10, 2007, Plaintiff mailed a "Notice of Additional Official Confirmation of Gordon Todd Skinner's Informant Status" which also failed to provide any authorized release to Plaintiff.

1 Therefore, the Court should grant defendant's renewed summary judgment motion.

2 **PROCEDURAL BACKGROUND**

3 On May 30, 2007, pursuant to this Court's March 30, 2007 Order requesting additional
4 briefing, Defendant filed a supplemental brief in support of Defendant's motion for summary
5 judgment. On May 14, 2007, Plaintiff sent a document to the Court to be filed title "Notice of
6 Third FOIA Request to Defendant DEA" which also contains content briefed in response to this
7 Court's Order of March 30, 2007.

8 On June 7, 2007, Plaintiff mailed a Motion for Enlargement of Time to Respond to
9 Defendant's Motion for Summary Judgment. On June 10, 2007, Plaintiff mailed a "Notice of
10 Additional Official Confirmation of Gordon Todd Skinner's Informant Status" with attachments.
11 On July 12, 2007, this Court granted Plaintiff's Motion for Enlargement allowing Plaintiff until
12 July 27, 2007 to file an opposition.

13 This enlargement provided Plaintiff almost a full two months to respond to Defendant's
14 supplemental briefing. In the July 12, 2007 Order, Defendant was ordered to reply to the
15 opposition "within 15 days of receiving plaintiff's opposition". Plaintiff subsequently filed
16 Docket # 76 and #77, on August 1, 2007 and August 6, 2007, respectively regarding a purported
17 "lockdown". The dates of this alleged lockdown as presented by Plaintiff should not have
18 interfered with Plaintiff's ability to mail his opposition nor does he state that the lockdown
19 interfered with his ability to mail an opposition. To the contrary, Docket #77 ("Notice of
20 Lockdown), mailed on July 22, 2007, specifically states at ¶ 3 that Plaintiff will comply with the
21 date for filing his opposition. Docket #76 (Notice of Filing of Plaintiff's Opposition), mailed on
22 July 27, 2007, further states at ¶ 2 that the opposition was filed on July 27, 2007.

23 Docket # 76 and 77 were not served on Defendant but were obtained from the Clerk's
24 Office. To date no opposition has been received by Defendant or by the Court (see Docket
25 Sheet).

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ARGUMENT

**DEFENDANT’S MOTION SHOULD BE GRANTED AS PLAINTIFF
FAILED TO FILE A TIMELY OPPOSITION BRIEF**

Plaintiff was required by Court order to file an opposition by July 27, 2007. He failed to do so.

Plaintiff’s failure to file an opposition suggests that plaintiff cannot designate specific facts showing a genuine issue of fact; thus, summary judgment is appropriate. FRCP 56(e); *Hansen v. United States*, 7 F.3d 137, 138 (9th Cir. 1993).

CONCLUSION

For the reasons set forth above, the Court should grant defendant’s motion for summary judgment and dismiss plaintiff’s complaint in its entirety and with prejudice.

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

Dated: August 15, 2007

/s/
KATHERINE B. DOWLING
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DEFENDANT'S REPLY BRIEF IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

William Leonard Pickard v. Department of Justice
C 06-0185 CRB

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **CERTIFIED MAIL (#)** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FEDERAL EXPRESS via Priority Overnight**

☐ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

William Leonard Pickard
POB 5500
Adelanto, CA 92301

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on August 16, 2007 at San Francisco, California.

/s/
MANIK BOWIE
Legal Assistant